

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|--|---|-----------------|
| CHARLES MAPP, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 15 CV 03800 |
| |) | |
| BOARD OF TRUSTEES OF COMMUNITY |) | Judge Shadur |
| COLLEGE DISTRICT NO. 508 d/b/a |) | |
| CITY COLLEGES OF CHICAGO and RICHARD |) | |
| WILLIAMS, in his individual and official |) | |
| Capacities, |) | |
| Defendants. |) | |

**DEFENDANTS MOTION TO DISMISS PLAINTIFF’S COMPLAINT IN PART
PURSUANT TO RULE 12(B) (6)**

Defendants, Board of Trustees of Community College District No. 508 d/b/a City Colleges of Chicago (“City Colleges”) and Dr. Richard Williams (“Professor Williams”), move to dismiss Plaintiff, Charles Mapp’s, Americans with Disabilities Act (“ADA”) claims against Professor Williams, as City Colleges is the only appropriate party. In support of its motion, Defendants state as follows:

INTRODUCTION

Charles Mapp (“Plaintiff”), is a student at Malcom X College (“MXC”), one of the seven City Colleges of Chicago. *See* Pl.’s Complaint (“Compl.”), ¶¶7-8, attached as Exhibit 1. Defendant Professor Williams was Plaintiff’s algebra instructor at MXC. *Id.* at ¶¶9-10. Plaintiff alleges that City Colleges and Professor Williams discriminated against him because of his disability, in violation of Title II of the ADA when they denied him participation in programs and activities at City Colleges and did not provided reasonable accommodations based on his disability. *Id.* ¶¶21-23. Defendants move to dismiss all ADA claims against Professor Williams,

as City Colleges is the sole, proper party named in this suit.

GROUND FOR DISMISSAL

The Court may dismiss claims pursuant to Federal Rule of Civil Procedure 12(b)(6) where the plaintiff fails “to state a claim upon which relief can be granted.” Fed.R.Civ.P. 12(b)(6). Rule 8(a)(2) requires that in his complaint a plaintiff “give [the] defendant fair notice of what the...claim is and the grounds upon which it rests.” *Conley v. Gibson*, 355 U.S. 41, 47 (1957). The allegations in the complaint “must plausibly suggest that the plaintiff has right to relief, raising that possibility above a ‘speculative level.’” *EEOC v. Concentra Health Servs., Inc.*, 496 F.3d 773, 777 (7th Cir. 2007); citing *Bell Atlantic Corp. v. Twombly*, 127 S.Ct. 1955, 1965 (2007). If the allegations do not suggest a plausible right to relief, the plaintiff pleads himself out of court. *Id.* In reviewing Rule 12(b)(6) motions to dismiss, the Court must accept the complaint’s well-pleaded facts as true, including inferences reasonably drawn from such facts. *McDonald v. Household Intern.*, 425 F.3d 424, 425 (7th Cir. 2005).

ARGUMENT

Defendants move to dismiss Plaintiff’s Title II ADA claim against individual defendant Professor Williams for failure to state claim. Fed.R.Civ.P. 12(b)(6). Here, Plaintiff alleges that Professor Williams violated Title II of the ADA by excluding Plaintiff from participation in City Colleges’ events and failing to provide reasonable accommodations to Plaintiff. Ex. A, Compl., at ¶¶21-23. However, Title II of the ADA only authorizes suits against public entities. 42 U.S.C. §§12131-12133; see e.g. *United States v. Georgia*, 546 U.S. 151, 154 (2006) (Title II of the ADA authorizes suits by private citizens against public entities); *Brewer v. Wisconsin Board of Bar Examiners, et. al.*, 270 Fed. Appx. 418, 421 (7th Cir. 2007) (plaintiff’s Title II ADA claim against individual defendants properly dismissed as Act only authorizes suit against public

entities). As Plaintiff may only allege Title II violations against public entities, not individually named defendants, the only properly named defendant is City Colleges of Chicago. 42 U.S.C. §§12131-12133; *Brewer*, 270 Fed. Appx. at 421. As such, all ADA claims against Professor Williams should be dismissed for failure to state a claim.

WHEREFORE, for the reasons addressed above, City Colleges of Chicago respectfully requests that this Court dismiss any claims against Defendant Professor Williams, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

DATED: May 27, 2015

Respectfully submitted,

BOARD OF TRUSTEES OF COMMUNITY
COLLEGE DISTRICT NO. 508

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